

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

New claims 30 and 31 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-31 are now pending in this application. Claims 16-29 have been withdrawn from consideration.

Priority

Applicant respectfully requests that the Office acknowledge Applicant's claim for foreign priority under 35 U.S.C. § 119 and receipt of a certified copy of Applicant's priority document in the next Office correspondence, such as by checking all of the relevant boxes on the Office Action Summary under "Priority under 35 U.S.C. § 119."

Information Disclosure Statements

Applicant acknowledges receipt of signed and initialed copies of the PTO/SB/08 forms submitted with the Information Disclosure Statements filed December 8, 2005; March 12, 2007; and May 25, 2007.

However, Applicant notes that initials were omitted next to reference A4 in the PTO/SB/08 form submitted with the Information Disclosure Statement of December 8, 2005. Applicant respectfully requests that the Office provide a signed and fully initialed copy of this PTO/SB/08 form with the next Office correspondence.

Rejections under 35 U.S.C. § 103

Claims 1-9 and 11-15 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pub. No. 2004/0197667 to Noh *et al.* (hereafter “Noh”) in view of U.S. Pub. No. 2004/0115522 to Urso *et al.* (hereafter “Urso”). This rejection is respectfully traversed.

Applicant notes that Noh was published on October 7, 2004 and that Applicant’s international application, PCT/JP2004/007864, has a filing date of May 31, 2004. The filing date of the international application is also the filing date of this national stage entry. See MPEP § 1893.03(b). Therefore, Noh was not published before Applicant’s filing date and is not a reference under 35 U.S.C. § 102(b) or 35 U.S.C. § 102(a).

Enclosed with this response is an English language translation of Applicant’s priority application, Japanese Application No. 2003-174135, which was filed on June 18, 2003, and a statement by a translator.

Applicant respectfully submits that Noh has been removed as a prior art reference under 35 U.S.C. § 102(e) because Noh, which was filed on September 3, 2003, has a later U.S. filing date than Applicant’s priority date, the filing date of Japanese Application No. 2003-174135, which was filed on June 18, 2008.

Applicant notes that other publications exist that are related to Noh, which include: CN 1532986-A, which was published September 29, 2004; EP 1463143-A2, which was published September 29, 2004; JP 2005-108440-A, which was published April 21, 2005; and KR 20040083670-A, which was published October 2006. However, these references are also not prior art references.

With Noh removed as a prior art reference, this rejection is left with only Urso. However, Urso alone does not disclose or suggest all of the features of claims 1 and 9. Claims 2-8 and 11-15 depend from claims 1 and 9. Reconsideration and withdrawal of this rejection is respectfully requested.

The Office states on page 2 of the Office Action that claims 5 and 6 are being interpreted as including product-by-process limitations. Applicant reserves the right to later show that claims 5 and 6, as well as new claims 30 and 31, result in a different structure than that of the references relied upon by the Office.

Claim 10 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Noh and Urso in view of U.S. Pub. No. 2004/0253520 to Wensley *et al.* (hereafter "Wensley"). This rejection is respectfully traversed. With Noh removed as a prior art reference, this rejection is left with only Urso and Wensley. Wensley fails to remedy the deficiencies of Urso. Reconsideration and withdrawal of this rejection is respectfully requested.

New Claims

New claims 30 and 31 have been added. Applicant respectfully submits that claims 30 and 31 are allowable over Urso and Wensley for at least the reasons discussed above.

Conclusion

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith,

Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 24, 2010

By K. McHenry

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4011
Facsimile: (202) 672-5399

Glenn Law
Attorney for Applicant
Registration No. 34,371

Kevin L. McHenry
Attorney for Applicant
Registration No. 62,582